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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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CONSTANTINO CUARA R.,  
  
Plaintiff,  
  
v.  
  
VERIZON'S, et al.,  
  
Defendants.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

Case No. 2:23-cv-00490-RJS-JCB

Chief District Judge Robert J. Shelby

Magistrate Judge Jared C. Bennett

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Before the court is the Report and Recommendation<sup>1</sup> issued in the above captioned case by Magistrate Judge Jared C. Bennett on June 24, 2024. The Report recommends the case be dismissed with prejudice sua sponte under Federal Rule of Civil Procedure 12(b)(6).<sup>2</sup>

In the Report, Judge Bennett notified the parties of their right under 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b)(2) to file any objections to the Report within 14 days of being served with a copy of it.<sup>3</sup> He cautioned that “[f]ailure to object may constitute waiver of objections upon subsequent review.”<sup>4</sup>

More than 14 days have now elapsed and no party has filed an objection to the Report. When no objections are filed, the Supreme Court has suggested no further review by the district

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<sup>1</sup> Dkt. 10, *Report and Recommendation*.

<sup>2</sup> *Id.* at 1.

<sup>3</sup> *Id.* at 6.

<sup>4</sup> *Id.*

court is required, but nor is it precluded.<sup>5</sup> This court reviews for clear error any report and recommendation to which no objections have been raised.<sup>6</sup>

Having carefully considered the Report, the court determines Judge Bennett's analysis and conclusions are sound. The court finds no clear error and the Report is adopted in full.


### ORDER

It is hereby ORDERED that the Report and Recommendation is ADOPTED. The case is DISMISSED WITH PREJUDICE sua sponte under Rule 12(b)(6).

The Clerk of Court is directed to close the case.

SO ORDERED this 9th day of July 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'R. J. Shelby', written over a horizontal line.

ROBERT J. SHELBY  
United States Chief District Judge

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<sup>5</sup> See *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“The [Federal Magistrate’s Act] does not on its face require any review at all, by either the district court or the court of appeals, of any issue that is not the subject of an objection.”).

<sup>6</sup> See, e.g., *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999) (“If no objection or only partial objection is made [to a magistrate judge’s report and recommendation], the district court judge reviews those unobjected portions for clear error.”) (citations omitted); see also Fed. R. Civ. P. 72(b) Advisory Committee’s Note to 1983 Amendment (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”) (citation omitted).